

Mr. KING, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 2554: Mr. KLING, Mr. OLVER, Mr. SCHAEFER, Mr. BARLOW, Mr. CONDIT, Mr. JEFFERSON, Mr. BLUTE, Mr. HOBSON, Mr. DICKS, Mr. HUTCHINSON, Mr. HOCHBRUECKNER, Ms. LONG, and Mr. GILLMOR.

H.R. 2602: Mr. WOLF, Mr. HUGHES, Mr. KOPETSKI, Mr. FROST, Ms. THURMAN, and Mr. HYDE.

H.R. 2612: Ms. PELOSI.

H.R. 2623: Mr. GLICKMAN.

H.R. 2631: Mr. MINGE and Mr. PETERSON of Minnesota.

H.R. 2638: Mr. KENNEDY, Ms. MOLINARI, Mr. CARR, Mr. PORTER, Ms. ESHOO, Ms. BYRNE, Ms. WOOLSEY, Mr. MARKEY, Mr. CARDIN, and Ms. VELAZQUEZ.

H.R. 2640: Mr. SANTORUM.

H.R. 2647: Mr. PENNY, Mr. BISHOP, Mr. QUINN, Mr. KING, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. WILLIAMS.

H.R. 2654: Mr. HEFLEY and Mr. LANCASTER. H.J. Res. 11: Mr. FAZIO, Ms. FURSE, Mr. MCCANDLESS, and Mr. MCKEON.

H.J. Res. 44: Mr. GINGRICH.

H.J. Res. 79: Mr. BREWSTER, Mr. DIAZ-BALART, Mr. DUNCAN, Mr. FAZIO, Mr. FISH, Mr. GALLEGLY, Mr. GONZALEZ, Mr. HILLIARD, Mr. MCCREY, Mr. MICHEL, Mr. MILLER of Florida, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. PICKLE, Mr. QUINN, Mr. ROYCE, and Mr. SHAW.

H.J. Res. 86: Ms. ESHOO, Mr. SMITH of Oregon, and Mr. KLING.

H.J. Res. 133: Mr. FAZIO.

H.J. Res. 157: Mr. SHAW, Mr. PORTER, Ms. SLAUGHTER, Mr. HORN, Mr. PAXON, Mr. BOEHLERT, Ms. COLLINS of Illinois, Ms. MOLINARI, and Mr. SKEEN.

H.J. Res. 175: Mr. FISH.

H.J. Res. 184: Mr. BISHOP, Mr. EVANS, Ms. FURSE, Mr. GALLEGLY, Mr. HOBSON, Mr. HUTCHINSON, Mr. MARKEY, Ms. MINK, Mr. NEAL of Massachusetts, Mr. PAYNE of Virginia, Mr. QUILLIN, Mr. RAVENEL, Mr. REED, Mr. ROBERTS, Mr. SAWYER, Mr. SKEEN, Mr. VOLKMER, Mrs. VUCANOVICH, and Mr. WOLF.

H.J. Res. 185: Miss COLLINS of Michigan, Ms. ESHOO, Mr. HALL of Ohio, Mr. KASICH, Mr. LEACH, Mrs. MEEK, Ms. NORTON, Mr. OBERSTAR, Mr. PARKER, Ms. PELOSI, Mr. YOUNG of Florida, Mr. BARRETT of Wisconsin, Mrs. VUCANOVICH.

H.J. Res. 198: Mr. HOLDEN, Mr. CLEMENT, Mr. CONYERS, and Mr. GREENWOOD.

H.J. Res. 204: Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. PAYNE of New Jersey, Mr. BROWDER, Mr. FORD of Tennessee, Mr. APPLE-GATE, Mr. BLILEY, Mr. CONYERS, Ms. LOWEY, Mr. DORNAN, Mr. BAKER of Louisiana, Mr. DICKS, Mr. DURBIN, Mr. MICHEL, Mr. ROBERTS, Mr. JEFFERSON, Mr. MACHTLEY and Mr. SCHUMER.

H.J. Res. 214: Mr. TAYLOR of North Carolina, Mr. EWING, Mr. LAUGHLIN, Mr. KANJORSKI, Ms. SNOWE, Mr. DICKEY, Mr. TRAFICANT, Mr. EVERETT, Mr. SKEEN, Mr. EMERSON, Mr. THOMAS of Wyoming, Mr. SANG-MEISTER, Mr. VISCLOSKEY, and Mr. COLEMAN.

H.J. Res. 226: Mr. MONTGOMERY, Mr. GILMAN, Mr. SWETT, Mr. ROMERO-BARCELO, and Miss COLLINS of Michigan.

H. Con. Res. 14: Mr. CUNNINGHAM, Mr. BONILLA, Mr. THOMAS of Wyoming, Mr. HUNTER, Mr. PETRI, Mr. FLAKE, Mr. SCHAEFER, Ms. FURSE, Mr. PAYNE of Virginia, Mr. LANCASTER, Mr. SOLOMON, Mr. MCCREY, Mr. GOODLING, Mr. CLINGER, Mr. HUTCHINSON, Mr. GEKAS, Mr. DE LUGO, Mr. SKEEN, Mr. INHOFE, Mr. RIDGE, Mr. GENE GREEN of Texas, Mr. CASTLE, Mr. COOPER, Mr. PETERSON of Florida, Ms. MARGOLIES-MEZVINSKY, Ms. BYRNE, Ms. ROYBAL-ALLARD, Mr. KANJORSKI, Mr. CRAMER, Mr. GLICKMAN, Mr. PAXON, Mr. ROMERO-BARCELO, Mr. SWETT, Mr. HALL of Texas, Mr. ROTH, Ms. WOOLSEY, Mr. MCDADE,

Mr. COLEMAN, Mr. CONYERS, Mr. GOODLATTE, Mr. HOYER, Mr. UPTON, Mr. LIGHTFOOT, Mr. GILCHREST, Mr. BILBRAY, Mr. JOHNSON of South Dakota, Mr. HOUGHTON, Mr. MORAN, Mr. PASTOR, Mr. BEREUTER, Mr. TOWNS, Mr. GRANDY, Mr. TEJEDA, Mr. TAYLOR of Mississippi, Mr. MANZULLO, Mr. DARDEN, Mr. ANDREWS of Maine, Ms. VELAZQUEZ, Mr. DERRICK, Mr. REYNOLDS, Mr. KREIDLER, Mr. GIBBONS, Mr. SKELTON, Mr. PORTMAN, Mr. VENTO, Mr. BLUTE, Mr. FINGERHUT, Mr. CONDIT, Mr. HAYES, Mr. CAMP, Mr. KING, Mr. COMBEST, Mr. DURBIN, Mr. MARKEY, Mr. HASTINGS, Mr. DOOLEY, Mr. FILNER, Mr. QUILLIN, Mr. QUINN, Mr. BISHOP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCOLLUM, Mr. GILMAN, Mr. HOEKSTRA, Mr. CALLAHAN, Mr. PICKLE, Mr. ZELIFF, Mr. KLEIN, Miss COLLINS of Michigan, and Mr. BROWN of California.

H. Con. Res. 52: Mr. SOLOMON, Ms. THURMAN, Mr. DE LUGO, Mr. DICKEY, Mr. RICHARDSON, Mr. DEUTSCH, Mr. HOUGHTON, Mr. PORTER, Mr. SCHIFF, Mr. TRAFICANT, Mrs. LLOYD, Mr. FALEOMAVAEGA, Mr. ROWLAND, Mr. HAMBURG, Mr. GOSS, Ms. DANNER, Ms. SHEPHERD, Mr. GORDON, Mr. JOHNSTON of Florida, Mr. UPTON, Mr. KANJORSKI, and Mr. MATSUI.

H. Con. Res. 66: Mr. SLATTERY.

H. Con. Res. 83: Mr. MENENDEZ.

H. Con. Res. 100: Mr. SCHUMER, Mr. WILLIAMS, and Mr. GINGRICH.

H. Con. Res. 103: Mr. HASTINGS, Mr. ENGEL, Ms. SLAUGHTER, Mr. KOPETSKI, and Mr. LAFALCE.

H. Con. Res. 120: Mr. MCKEON, Mr. COMBEST, Mr. PORTMAN, and Mrs. VUCANOVICH.

H. Con. Res. 124: Mrs. MEYERS of Kansas and Mr. TORRICELLI.

H. Res. 49: Mr. FAWELL.

TUESDAY, JULY 28, 1993 (90)

The House was called to order by the SPEAKER.

190.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, July 27, 1993.

Mr. FAZIO, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. FAZIO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER, pursuant to clause 5, rule I, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

190.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

1662. A letter from the Secretary of Education, transmitting final regulations—Demonstration Projects to Increase Client Choice Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1663. A letter from the Secretary of Education, transmitting final regulations—Institutional eligibility under the Higher Education Act of 1965, as amended, student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1664. A letter from the Acting Administrator, Energy Information Administration, transmitting the Energy Information Administration's Annual Energy Review 1992, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

1665. A letter from the Acting Assistant Secretary for Fossil Energy, Department of Energy, transmitting the Strategic Petroleum Reserve Annual Site Environmental Report for calendar year 1992; to the Committee on Energy and Commerce.

1666. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to Korea (Transmittal No. 11-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1667. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Kuwait (Transmittal No. DTC-34-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1668. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Walter F. Mondale, of Minnesota, to be Ambassador to Japan, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1669. A communication from the President of the United States, transmitting a report entitled "Status of China, India, and Pakistan Nuclear and Ballistic Missile Programs," pursuant to section 620F of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1670. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1671. A letter from the Secretary, Department of Transportation, transmitting a report entitled "Are Transit Half-Fare Policies for Elderly and Disabled Patrons Uniform, and Are Eligibility Criteria Consistent?" pursuant to Public Law 102-240, section 3047(b) (105 Stat. 2140); to the Committee on Public Works and Transportation.

189.4 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TUCKER, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, July 27, 1993.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. TUCKER, announced that the yeas had it.

Mr. SKAGGS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 257
Nays 158

¶90.3

[Roll No. 371]

YEAS—257

Abercrombie Gilman Oberstar
Ackerman Glickman Oby
Andrews (ME) Gonzalez Oliver
Andrews (NJ) Gordon Ortiz
Andrews (TX) Green Orton
Applegate Gunderson Owens
Archer Gutierrez Oxley
Bacchus (FL) Hall (OH) Pallone
Baesler Hall (TX) Parker
Barca Hamburg Pastor
Barcia Hamilton Payne (NJ)
Barlow Harman Payne (VA)
Barrett (WI) Hastings Pelosi
Bateman Hayes Penny
Becerra Hefner Peterson (FL)
Beilenson Hilliard Peterson (MN)
Berman Hinchey Pickett
Bevill Hoagland Pickle
Bilbray Hochbrueckner Pombo
Bishop Hoke Pomeroy
Blackwell Hoyer Poshard
Bonior Hughes Price (NC)
Borski Hutto Rahall
Boucher Hyde Rangel
Brewster Inglis Reed
Brooks Inslee Reynolds
Browder Jefferson Richardson
Brown (FL) Johnson (GA) Roemer
Brown (OH) Johnson (SD) Rose
Bryant Johnson, E. B. Rostenkowski
Byrne Johnston Rowland
Cantwell Kanjorski Roybal-Allard
Cardin Kaptur Rush
Carr Kasich Sabo
Clayton Kennedy Sanders
Clement Kennelly Sangmeister
Clinger Kildee Sarpalus
Clyburn Kleczka Sawyer
Coleman Klein Schenk
Collins (IL) Klink Schumer
Collins (MI) Kreidler Scott
Combest LaFalce Serrano
Condit Lambert Sharp
Conyers Lancaster Shepherd
Cooper LaRocco Sisisky
Coppersmith Laughlin Skaggs
Costello Lehman Skelton
Coyne Levin Slattery
Cramer Lewis (GA) Slaughter
Danner Lloyd Smith (IA)
Darden Long Smith (NJ)
de la Garza Spratt
Deal Maloney Stark
DeFazio Mann Stenholm
DeLauro Manton Studts
Dellums Margolies- Stupak
Deutsch Mezvinsky Swett
Dicks Markey Swift
Dingell Martinez Synar
Dixon Matsui Tanner
Dooley Mazzoli Tauzin
Durbin McCloskey Tejeda
Edwards (CA) McCollum Thompson
Edwards (TX) McCurdy Thornton
Engel McDermott Thurman
English (OK) McHale Torres
Eshoo McKinney Torricelli
Evans McNulty Traficant
Farr Meehan Tucker
Fazio Meek Unsoeld
Fields (LA) Menendez Velazquez
Filner Mfume Vento
Fingerhut Miller (CA) Visclosky
Fish Miller (FL) Volkmer
Foglietta Mineta Waters
Ford (MI) Minge Watt
Ford (TN) Mink Waxman
Frank (MA) Mollohan Wheat
Frost Montgomery Whitten
Furse Moran Williams
Gallegly Murtha Wise
Gejdenson Myers Woolsey
Gephardt Nadler Wyden
Geren Natcher Wynn
Gibbons Neal (MA) Yates
Gillmor Neal (NC) Young (AK)

NAYS—158

Allard Barrett (NE) Bliley
Armey Bartlett Blute
Bachus (AL) Barton Boehlert
Baker (CA) Bentley Boehner
Baker (LA) Bereuter Bonilla
Ballenger Bilirakis Bunning

Burton
Buyer
Callahan
Calvert
Camp
Canady
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrist
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCrery
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Brown (CA) Kopetski
Chapman Lantos
Derrick McDade
English (AZ) McHugh
Flake Moakley
Henry Packard
Holden Stokes

So the Journal was approved.

¶90.4 NATIONAL SERVICE

The SPEAKER pro tempore, Mr. TUCKER, pursuant to House Resolution 217 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

Mr. FIELDS of Louisiana, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶90.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BRYANT to the amendment submitted by Mr. PORTER:

Amendment submitted by Mr. BRYANT:

In the matter proposed to be inserted by the amendment at the end of the bill as title V of the National Service Trust Act of 1993, strike "A State may impose one or more of

the following conditions" in section 503(d) of such title and insert in lieu thereof "A State shall impose the following conditions".

Amendment submitted by Mr. PORTER:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) Such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and